

**BOARD OF BARBERING AND COSMETOLOGY**

P.O. BOX 944226
SACRAMENTO, CA 94244-2260
INFORMATION: (916) 323-9020 FAX (916) 445-8893



Board of Barbering and Cosmetology
Cal Trans
2829 Juan Street
Auditorium
San Diego, CA 92110

MINUTES OF MARCH 15, 2004**BOARD MEMBERS PRESENT:**

Dr. Della Condon, President
Joe Gonzalez, Vice President
Richard Hedges, Public Member
Angela Reddock, Public Member
Bonnie G. LaChappa, Public Member
Waddell Herron, Public Member

STAFF MEMBERS PRESENT:

Terri Ciau, Executive Officer
Albert Balingit, Staff Counsel
Thalia Singleton, Executive Assistant
Angelica Flores, Enforcement Analyst
Carol Runge, Program Analyst

♦ Agenda Item #1, CALL TO ORDER

President Condon called the meeting to order at 9:25 a.m. Members introduced themselves and briefly described their backgrounds and professions.

President Condon announced that the first part of the meeting would be Petitions for Reinstatement, and turned the meeting over to Administrative Law Judge Valero Johnson.

♦ Agenda Item #2, PETITIONS FOR REINSTATEMENT**Reinstatements**

Kim Kim Nguyen, Accusation #A-2392, denied.

♦ (Agenda Item #3 – CLOSED SESSION FOR DECISION ON PETITION FOR REINSTATEMENT– moved to follow Agenda Item #17)**♦ Agenda Item #4, CLOSED SESSION FOR DECISIONS ON DISCIPLINARY CASES (10:40 a.m.)****♦ Agenda Item #5, PRESIDENT'S REPORT**

President Condon called the meeting back to order at 11:25.

President Condon explained that she had no formal President's Report for this meeting but thanked everyone present in the audience for attending and participating. President Condon also proposed to the Board Members, and particularly to the Board's Legislative Committee, that the Members meet with the Legislative Business and Professions Committees members. Everyone agreed that this would be a good idea and President Condon directed staff to schedule the meetings with the Legislature in April.

President Condon asked if any other Board Members had any information to share. Vice President Gonzalez inquired about the methodology used to acquire the Glendale testing site. The Board's attorney, Mr. Albert Balingit, noted that this information would be covered under Agenda Item #15, but Vice President Gonzalez said he would like to have the discussion included as part of the President's Report.

♦ **Agenda Item #15, UPDATE ON THE SOUTHERN CALIFORNIA EXAMINATION FACILITY
(and part of the President's Report per Vice President Gonzalez' request)**

Mr. Balingit distributed a copy of paragraph nine (9) of the lease between the Department of General Services (DGS) and the Department of Consumer Affairs (DCA), a.k.a. the Glendale Lease.

Mr. Balingit explained that paragraph nine (9) of the lease provides that if the premises are not completely ready for occupancy by the State on or before March 1st, 2004 then the State may terminate the lease and be relieved of any further obligations, unless any of the following four conditions have caused the delay. The conditions include delays caused by:

- (1) the State or its agents;
- (2) acts of God;
- (3) any strikes, boycotts, obstruction, or actions by employee or labor organizations; or
- (4) restrictive Federal regulations.

Mr. Balingit stated that there has been no factual inquiry into the cause of the delay, and suggested drafting a letter to the Department of Consumer affairs to instigate an inquiry.

The Board discussed an alternative approach of drafting a letter directly to the lessor stating something to the effect that the facility is uninhabitable and therefore the lessor has defaulted on the terms of the lease. President Condon directed Mr. Balingit to draft the letter and Mr. Balingit agreed to do so.

♦ **Agenda Item #6, EXECUTIVE OFFICER'S REPORT**

President Condon introduced the new Executive Officer, Ms. Terri Ciau, to the Board. President Condon stated that Ms. Ciau is an outstanding individual who's worked in Sacramento for many years and that the Board is very excited and honored to have Ms. Ciau as the Executive Officer.

Ms. Ciau thanked President Condon, and said her report would address four items.

First, regarding the backlogs being experienced by several Boards including the Board of Barbering and Cosmetology, Ms. Ciau explained that we are working with the Department and Agency to bring in some temporary assistance. So far, two seasonal employees have been directed to our Board, starting today, to assist us. Ms. Ciau also managed to beg, borrow, and steal another employee to help out one day per week. Ms. Ciau said that we're hustling wherever we can to bring in resources to help us, so we may get more.

Secondly, AB 2449 was mentioned at the last meeting during the public comments. AB 2449, was signed a few years ago, authored by Assemblymember Correa, and required that the renewal forms ask a number of questions so staff can put together the data and look at the market trends. Ms. Ciau informed the Board that staff is jump starting the implementation and explained that the problem has been with the Department's licensing system which is not automated, and therefore unable to collect the required data for us. Ms. Ciau explained that we are working with another Board that has similar requirements to ours, and has developed an automated program that we are looking into for our Board.

Third item, Ms. Ciau strongly encouraged the Board to participate in strategic planning to prioritize the many issues facing this new Board. Ms. Ciau stated that she has been working with President Condon on establishing dates for the strategic planning sessions, and asked that the Board members consider coming a day early, on the Sunday afternoon before the June Board meeting in Sacramento.

President Condon emphasized the importance of the strategic planning meeting to address the issues created by six years of zero management. President Condon stated that she's a firm believer that strategic planning will enable the Board to sit down and look at all of the issues together at one time, identify them, and put them in a time line, and will allow the Board to move its agendas forward quickly and effectively.

Mr. Hedges asked if the strategic planning session would be a public meeting. Mr. Balingit said that he thinks so but will look into it.

Ms. Ciau said that she would work with the Board to come up with consensus on the dates for the strategic planning.

Last item, Ms. Ciau shared with the Board that she'd been recruited to participate in the Governor's California Performance Review (CPR) and that President Condon has been cooperative and understanding. Ms. Ciau explained that the Governor, soon after taking office, made a point to really look at government and make it better to work for the people and to provide better services. Ms. Ciau noted that approximately 2000 state employees applied to participate – and that although Ms. Ciau was not one of the applicants, she was selected to be among the 150 CPR Team participants anyway. Ms. Ciau state that it's a very exciting project but due to confidentiality requirements, she cannot speak about it in detail. The project is expected to wrap up by June 30th, and Ms. Ciau said she will continue to work as the Board's Executive Officer in the mean time.

President Condon commented that it's a real complement to the Board that their Executive Officer is held in such high esteem by the Governor's office to be chosen to be part of the CPR

Team. President Condon noted that clearly the Board hired the right person to fix the things that are wrong with the Board, and reiterated that it took six years to get where the Board is and it will take some time to dig out.

♦ **Agenda Item #7, APPROVAL OF BOARD MEETING MINUTES OF JANUARY 26, 2004**

Ms. Ciau explained that the January 26th Board Meeting minutes have been delayed because the tape recordings were barely audible. Ms. Ciau stated that she'd just finished reviewing the final draft and that Board members should expect to receive it within one week.

Vice President Gonzalez commented that he appreciates Ms. Ciau's efforts to submit the meeting minutes to the Board for approval more quickly, so that the Board will not be approving months-old minutes.

Ms. Ciau agreed that it is important to get the minutes drafted for Board review more quickly and explained that the delays are due in part to the monthly meeting schedule. Ms. Ciau also noted that approved meeting minutes are posted on the Board's website.

Vice President Gonzalez suggested that the Board establish contact with the *Stylist* to disseminate Board meeting information to people in the industry. Mr. Hedges offered to assist President Condon with producing a monthly column for the *Stylist*, and staff agreed to provide the *Stylist's* contact information to President Condon.

♦ **Agenda Item #8, PRESENTATION ON THE OCCUPATIONAL ANALYSIS FOR COSMETOLOGISTS and Agenda Item #11, PROGRESS REPORT ON SAME-DAY LICENSURE**

President Condon introduced Dr. Tracy Farrell from the Department's Office of Examination Resources (OER), who provided copies of a PowerPoint presentation on Occupational Analysis and Examination Development. President Condon requested that Dr. Ferrell also include comments related to Agenda Item #11, Progress on Same-Day Licensure.

Dr. Ferrell explained that the presentation handout describes the national professional and technical guidelines and legal standards that OER adheres to when developing examinations for the various Boards within the Department. Dr. Ferrell referred to

- (1) the Federal uniform guidelines on employee selection procedures developed by the American Psychological Association,
- (2) California's Government Code section 12904(a) which requires that any exams administered by the Department must be job or occupation-related, and
- (3) California Business and Professions Code section 139 which mandates the Department's Boards and Bureaus to adhere to the professional guidelines when conducting occupational analyses and developing exams.

Dr. Ferrell said that the heart of her presentation is about the cycle of exam development. Dr. Ferrell explained that exam development occurs in many cycles, is an ongoing process, and that the first step is called an Occupational Analysis (OA), also sometimes referred to as a job analysis or a practical analysis. The OA is an empirical study that looks at a profession in

terms of the tasks performed by its practitioners and the knowledge associated with those tasks. Dr. Ferrell said that the Uniform Federal Guidelines prescribe that OAs be done every three to seven years, depending on the complexity of the profession, because professions change over time. Dr. Ferrell noted that an OA is the foundation for the tools of a profession including job descriptions, training, curriculum, tests, and prerequisites for licensure. Dr. Ferrell summarized the steps of an OA as doing interviews, writing the knowledge statements, and collecting data to get a picture of the profession. An exam outline is developed based on the OA's core information critical for licensees to know at the time of licensure.

Dr. Ferrell explained that exam outlines (also called exam plans) are critical because they show the link between the job and the test, and are used in the next cycle of exam development for item/question development. Dr. Ferrell noted that licensees – the subject matter experts write the exam questions, based on the exam plan. The licensees are always part of the process and they essentially confirm whether or not the exam addresses entry level information, and whether or not it's relevant based upon the OA.

Dr. Ferrell provided the following status of OER's Board-related projects:

- OAs for electrologists, estheticians, and manicurists were completed in December 2003 and the Board was given copies.
- Moving forward with the esthetician exam development.
- OA for Cosmetologists is in progress. Ten interviews have been conducted – three in Southern California, three in Northern California, three in the Bay Area, and one in Central California.
- OA for Barbers is scheduled to begin this fall, if the Board chooses to continue working with OER.

President Condon suggested that the Board should use the OAs to conduct Curriculum Analyses, using the OAs to identify additional practices that should be taught, or practices that are being taught that shouldn't be. President Condon noted that curriculum revisions haven't been done for a very long time, and should be done before exams are revised. President Condon stated she would like to start doing curriculum revisions within the next year, when the Board, hopefully, has more staff.

President Condon made another point that licensed instructors should be included in developing the examinations.

Ms. Reddock asked Dr. Farrell how long the entire cycle of examination development takes, and Dr. Ferrell responded that it can take a year.

Vice President Gonzalez asked if we work with Denise Brown on exam development. Dr. Ferrell explained that as the Interim Director, Ms. Brown is her boss and therefore is apprised of OER's activities and reports.

A question was posed to Dr. Ferrell about how exam development participants are chosen and whether the selection process involves random sampling. Dr. Ferrell stated that the selection process isn't truly random but that OER tries to stratify the selection by certain areas.

The names are taken from a list of available people. The philosophy at OER has been to not use instructors due to the inherent conflict of interest created by enlisting people to write the test who will then be teaching potential candidates. This philosophy is based on case law, on the professional standards and guidelines, and is important for protecting the instructors as well as the Board. Dr. Ferrell said that her office has opted to relax that philosophy to some degree and has used instructors to do OA work, and intend to use instructors for the Board of Barbering and Cosmetology's exam development, but will still use more licensees. This way, OER will still elicit input and expertise from the instructors but in such a way that the process is still defensible.

President Condon discussed the importance of providing educators feedback from the testing process related to how their students are doing, and recalled that, previously, schools received quarterly results of their students' test outcomes.

Dr. Ferrell stated that Experior provides that type of feedback for one of the other Boards currently and should be able to do so for the Board of Barbering and Cosmetology, though it would probably involve some programming changes.

President Condon responded that while it's critical to provide the feedback to the schools to ensure that they're turning out safe and effective cosmetologists, she is not interested in having Experior provide the information. The Board staff person who previously provided the reports has been pulled to cover other assignments, and Dr. Condon noted that once Board staffing levels are restored, we will be able to start getting that information back out to the schools.

(The meeting adjourned for lunch at 12:55 without discussion about Agenda Item #11.)

♦ **Agenda Item #9, REPORT ON TIMELINES FOR REQUEST FOR PROPOSALS FOR COMPUTER-BASED TESTING**

President Condon reconvened the meeting at 2:00 and asked Ms. Ciau to report on the time lines for the request for proposal for computer-based testing.

Ms. Ciau described the Computer-Based Testing Contract Timeframe handout that lists the general tasks involved in the process and provides the average number of days associated with each general task. Staff developed this timeline in response to the Board's request to eliminate use of the existing testing vendor by June 1st. As Ms. Ciau explained, the steps involved in going to bid for a new computer-based testing vendor will take at least six to eight months, and noted that, therefore, this option would not be feasible for the Board to achieve by June 1st.

Vice President Gonzalez clarified that the question is what is the time line for same day testing, not computer-based testing. Mr. Gonzalez asked if we are prepared to give the exam and the license on the same day.

Ms. Ciau referred to Agenda Item #11, Progress Report on Same-Day Licensure, and explained that previously the Board President had asked staff to request the Department's

Information Systems Unit to expedite the Board's programming requirements necessary to return to same-day testing, which is reflected in the memo dated March 4, 2004 from Board staff to the Department's Office of Information Services (OIS).

As Ms. Ciau explained, the memo summarizes the systems changes necessary to implement the Board's decision, and stresses the importance of expediting the changes per the Board's directive to implement the decision by April 2004. The memo also acknowledges that limited OIS resources have made it impossible to achieve the April 2004 timeframe, but requests an expedite so that the Board's directive may be implemented by June 1st. Ms. Ciau noted that we had not yet received a response from OIS. In the meantime, Ms. Ciau explained, Board staff explored the Computer-Based Testing Contract Timeframe option as a potential alternative for the Board until the programming changes can be made. However, as the timeline indicates and as Ms. Ciau explained, the Computer-Based Testing vendor solicitation alternative is not achievable by June 1st.

Vice President Gonzalez expressed dissatisfaction that the Board's requests are not being met and stated that June is not acceptable because the Board has been working on this issue for several months.

Ms. Ciau agreed and explained that this is why Board staff is exploring other alternatives.

Vice President Gonzalez further discussed that he is troubled to come to Board meetings and repeatedly discuss this issue, only to have it ignored, and commented that computer-based testing and Experior keep coming up.

President Condon stated the various testing companies have been sending materials and that the Board might want to invite some of the companies to come talk about what they do. President Condon said that she's received letters from companies that claim to be able to get a written exam up and running in 48 hours. President Condon questioned why it would take the State until June if a company is able to do it in 48 hours.

Mr. Hedges pointed out that the Board already voted to return to paper-and-pencil tests as a means to achieve same-day licensing.

Vice President Gonzalez expressed that the Board has invited Experior to come prove their case but Experior said they couldn't come because they were involved with implementing same-day testing in several other states, but it turned out they were only doing this in Maine. Vice President Gonzalez further commented that the Board's portion of the Experior is the largest as far as income, but the Board has expressed its disinterest in continuing to work with Experior regardless if the Department risks losing the rest of its Experior contract for the other boards.

President Condon stated that the real issue is not Experior, but that previously, when the Board administered same-day licensing, students could take their test and then go to work the same day, and there wasn't this huge backlog. President Condon further stated that clearly there's a correlation between the move to computer-based testing and the backlog, and it is the delay that really concerns the Board.

President Condon then recommended that the Board invite a number of testing vendors, including Experior, give them an opportunity to come and make their case on what can be done related to an expedited testing process – and that maybe there are some really good things going on out there that the Board might be interested in that can help relieve this backlog.

Ms. Reddock stated that the Board seems to be in a perpetual state of disconnect on this issue and asked Ms. Ciau for her assessment of the Board's reasonableness. Ms. Ciau acknowledged the Board's frustration, and pointed out that the Board is part of a larger system and the Board's priorities are not always necessarily the same as the other players' in the bureaucracy. Asked for a recommendation on how to proceed, Ms. Ciau asked the Board's attorney, Mr. Balingit, if the Board would be able to move forward on this independently. President Condon clarified that the Board's intent would be to conduct an informal study session to learn what is being done throughout the country by various testing agencies, understanding that a request for proposals would be another process down the road.

Mr. Balingit stated that there would be no problem with hosting a public hearing, but asked if the Board would prefer having the various companies submit their information to the Executive Officer to distribute to the Board members.

President Condon stated that she would prefer hosting a meeting, for the opportunity to ask questions.

Vice President Gonzalez interjected that he thinks the Board has enough information right now, that he would prefer Mr. Balingit's suggestion of having the information submitted to the Executive Officer, and that he does not want to put this issue off for another month or two.

Ms. Reddock acknowledged that even if a vendor in the audience was capable of administering the examinations within 48 hours, the bidding and contracting processes would still be necessary and would take 30, 60, 90 days or longer.

Vice President Gonzalez agreed, but stated that if such a vendor is present in the audience it would be nice to hear from them during public comments.

Mr. Marcus Moreno from the audience stated to the Board that currently there are people taking paper and pencil examinations in California, if they use a translator. Mr. Moreno further explained that these applicants must take the practical exam, and then return to the same facility on a different date to take the written paper-and-pencil exam, which if they pass they receive a certificate, in lieu of a license, that allows them to work for 45 days. Within that 45 days the applicant must go to Experior to get their photographic licensure. (Mr. Moreno said, as an aside, that he is pro-photographic license.) Mr. Moreno pointed out that this process is being implemented without the Board's knowledge. Mr. Moreno suggested that regular applicants should be allowed to take the practical exam in the morning, and take the written exam that's given to the applicants-who-use-translators in the afternoon, and allow regular

applicants to get a certificate until they contact Experior for their photo license. Mr. Moreno suggested this method might be used temporarily until the bidding process concludes.

President Condon responded that it is totally unacceptable that applicants are being given certificates to work in lieu of licenses.

President Condon suggested placing an item on the next agenda to talk about how the Board could invite people to come provide information, but expressed caution about creating legal issues by inviting some and not others.

Vice President Gonzalez questioned why the Board would put this issue on the agenda if the Board has been assured by staff that same-day testing will be done by June.

President Condon replied that it's important to explore alternatives just in case the June 1st deadline isn't met, and reiterated that it's important to have as many options available as possible, and the Board doesn't know what those options are yet.

Mr. Hedges asked Mr. Moreno to clarify his earlier comments about applicants with translators receiving their licenses on the same day they take the test. Mr. Moreno reiterated his earlier comments.

Mr. Gonzalez exclaimed that the Board had never authorized photographic licenses. Mr. Moreno explained that it's part of the Experior contract.

Ms. Reddock weighed the idea of a long-term solution versus a short-term solution toward achieving same-day licensure by June 1st, and emphasized the importance of not coming up with a temporary solution that will work against the Board's overall goal of having a solid, cohesive program in place.

Mr. Balingit and Ms. Ciau brought up the staffing issues related to re-implementing the Board administered written exam and noted that the hiring freeze affects the Board's ability to hire enough examiners. Mr. Balingit explained that the examination staff are not permanent civil servants, they are intermittent employees limited to 1500 hours per year. Ms. Ciau noted that the employees currently on staff do not have sufficient hours to allow the Board to revert back to Board-administered written exams. Ms. Ciau referred to Agenda Item #10. Ms. Ciau stated that the reality of the Board's backlogs is not a pretty picture, that the backlog is really what's impacting the ability of the students to go to work. Ms. Ciau emphasized that the week or two in between the practical and written exams is not the cause of the backlog and not the real issue affecting people's ability to go to work. The backlog occurs because it takes up to eight months to review applications for examination, sometimes 13 months to review applications for establishment licenses.

Mr. Moreno from the audience again addressed the Board. Mr. Moreno said that when he attended meetings hosted by the Office of Exam Resources (OER) about computer-based testing, it was said that computer-based testing, and ending same-day licensing, would bring down the backlog. Then, wait time was four to six months. Now, almost one year since implementing computer-based testing, the wait time is six to eight months. Mr. Moreno stated

that he and other industry representatives appealed to Denise Brown and to Cindy Walton to wait for the Board, until it is implemented.

Ms. Reddock addressed Ms. Ciau and asked if Ms. Ciau can suggest a temporary solution.

Ms. Ciau expressed that either solution -- getting computers set up to administer the written portion of the exam at the practical exam sites, or getting back to a manual paper-and-pencil process -- is going to take until June 1st. Ms. Ciau also said that adding more staff resources would help. Ms. Ciau explained that she's being diligent in her efforts to move this issue more quickly, but there are many areas over which she has no control, and she doesn't expect that the changes will happen before June 1st.

President Condon stated that she didn't think the Board would be able to come up with any answers today, and directed Ms. Ciau to collect information for the Board about vendors capable of providing same-day licensing.

Ms. Mary Manna with the National Interstate Council of State Boards of Cosmetology (NIC) briefly described her company's services, and expressed interest in providing further information to the Board.

♦ **Agenda Item #10, REPORT ON PROCESSING TIMES FOR LICENSING AND EXAMINATIONS**

Ms. Ciau addressed the application and licensing processing timelines included in the handout for this agenda item. Ms. Ciau explained that our mail is seven days behind, just in opening it, and that cashiering is 20 days behind. Ms. Ciau also noted that the State Administrative Manual and Government Code provisions require that cashiering of moneys received within five days of receipt. Ms. Ciau stated the additional staff coming on board will be dedicated to the mail room backlog, other staff will be redirected to assist in the cashiering function – the priority targets are mail and cashiering.

♦ **Agenda Item #12, DISCUSSION OF 2004 LEGISLATION AND CONSIDERATION OF PROPOSALS**

Ms. Ciau presented an analysis of AB 2168 which is a bill currently pending in the legislature, authored by Assemblymember Correa. Ms. Ciau explained that the bill would permit the Board to grant provisional cosmetology licenses under certain conditions. Ms. Ciau also said that she met with Assemblymember Correa to explain that this bill, if enacted, would require at least three additional staff positions for the Board to implement it. Assemblymember Correa assured Ms. Ciau that he is open to amendment suggestions from the Board.

The Board voted unanimously to take a watch position on AB 2168.

Ms. Ciau then explained another pending bill, SB 1735 authored by Senator Liz Figueroa, which would restore the Board's staff positions lost to previous budget cuts. The Board voted unanimously to support SB 1735 as written.

Ms. Ciau informed the Board that Assemblymember Correa is open to amending the law to extend the instructors licenses through January 1, 2006, to allow the Board time to discuss the importance of instructors licenses and whether these licenses should be extended indefinitely. President Condon suggested that the topic of instructors licenses be placed on the May Board meeting agenda.

President Condon requested to move Agenda Item #13 so that Agenda Item #14 could be discussed next.

♦ **Agenda Item #14, STATUS OF THE DRAFT REGULATIONS FOR OUT-OF-STATE LICENSEES**

Mr. Balingit presented a draft of the regulations written to implement Business and Professions Code section 7331 which permits the Board to grant California licenses to licensees from out-of-state.

President Condon commented that she thinks this is another example of trying to solve a problem with the wrong solutions.

Vice President Gonzalez requested that staff provide statistics on the failure rate of people from out-of-state who take California's exam.

Vice President Gonzalez also commented that the language in the statute appears to be permissive, rather than a requirement on the Board to issue licenses to out-of-state licensees just because they have a license from somewhere else.

Mr. Balingit commented that he doesn't think the legislature's use of the word "may" was intended to convey as much discretion on the Board as it's interpreting.

Ms. Reddock suggested offering a modified test on health and safety issues for out-of-state licensees.

Mr. Hedges noted he has concerns about health and sanitation issues.

President Condon commented that for straight across the board reciprocity, recency of practice would be important.

Mr. Hedges commented that if the Board is going to grant licenses to out-of-state licensees, the Board would need to have at least a basic understanding of the other states' rules.

President Condon suggested that, before the Board considers any draft regulation language, the Board conduct a hearing for people from out-of-state to discuss the issue, to find out the reasoning behind this issue. President Condon stated that the Board will find out the reason is because it's taking too long to take the test and so again we are solving the wrong problem.

Vice President Gonzalez commented that while holding such a hearing would afford the Board an opportunity to hear the out-of-state licensees' side of the issue, what we really want to know is that they can comply with California's rules and regulations.

President Condon noted that we currently have a system that says we will grant you reciprocity if you pass our exam, that's what currently exists.

A member of the Board commented that the legislative intent behind this law, as was discussed at the Sunset Hearing, was to not require an exam because it was taking eight months to review the applications and this was looked at as a solution to the backlog problem.

Mr. Balingit pointed out to the Board that the proposed draft regulations does include a requirement that the applicant verify he or she has met the Board's training requirements, specifying the curriculum required of California-trained applicants.

President Condon commented that she believes allowing out-of-state licensees to become licensed in California, without requiring them to demonstrate that they're competent, would be exposing the public to real harm.

President Condon suggested that this topic be discussed again at the next Board meeting and for staff to consider the Board's comments and the strong feeling about a demonstration of competency.

◆ **Agenda Item #13, INFORMATION ON THE DENIAL OF APPLICATION FOR LICENSURE**

Mr. Balingit presented his findings, based on the Board's request at the previous Board meeting, as to whether the Board has the authority to pre-qualify a student, before he enrolls in school, and certify that he can take the Board's examination even though he has a criminal conviction.

Mr. Balingit noted that the previous Barber Board did have that authority in 1992 but it was repealed by the Legislature when the Board was merged to create the Board of Barbering and Cosmetology.

◆ **Agenda Item #16, PUBLIC COMMENTS**

President Condon opened the meeting for public comments and asked people in the audience to limit their comments to five minutes.

Ms. Nadine Bruders commented that she is an instructor who teaches many students who are licensed in other states and that she believes that out-of-state applicants should have to be tested in California, with both a written and a practical exam, to receive a license. Ms. Bruders said that her students from out-of-state don't mind having to take California's test but they do complain about the long wait for the test.

Ms. Barbara Tuttle commented that she is a licensed instructor who feels she is punished because she has to be certified, yet there are certified instructors who do not have to have a license. Ms. Tuttle questioned why licensed instructors have to be certified.

Ms. Senia Goytia commented to the Board that she and other students have had problems with the employees at the Board's Wilshire testing facility because she believes they discriminate against Spanish-speaking applicants. Ms. Goytia also commented that it would be better if students were allowed to take both parts of the exam on the same day.

Ms. Toni Gama introduced herself as the director of the San Diego Cosmetology Apprenticeship Program. Ms. Gama commented that the processing of apprenticeship applications is taking too long and there are many errors made by Board staff. Ms. Gama also suggested that the Board host an apprenticeship sponsors meeting to clarify appropriate processes and procedures for paperwork so that it is consistent and efficient, because Board staff are unavailable by phone and do not return her phone calls. Ms. Gama noted the lack of examination statistics for apprentices. And finally, Ms. Gamma commented that she believes the Wilshire exam site staff are distinguishing and biased against apprentice examinees.

Mr. Marcus Moreno commented that hiring more examiners will reduce the wait time for examinations.

Ms. Jan Ryan commented that she's from the Paul Mitchell School and that examiners have identified her students at the testing site as coming from the Paul Mitchell School and that maybe they are biased.

Ms. Sue Summers commented that she has encouraged her students with criminal backgrounds to be clear on their applications for examination and to provide all the required documentation related to their offenses to verify that they have been cleared of their wrong doing but still their applications are sent to enforcement and they are not allowed to take the test.

◆ **Agenda Item #17, AGENDA ITEMS FOR NEXT MEETING**

The Board members discussed topics for the next meeting agenda, and the meeting was adjourned for the Board to address disciplinary decisions in closed session.